

SFW 3624

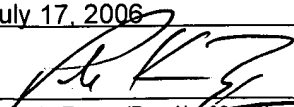
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PATENT

Paper No.

File: Carr-P1-00

Date: July 17, 2006

Signed: 
Peter K. Trzyna (Reg. No. 32,601)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Philip Carragher, Steven Earl Webster
Serial No.	:	09/604,696
Filed	:	June 26, 2000
For	:	SYSTEM FOR CARD ACTIVITY-BASED MORTGAGE CREDITING
Group Art Unit	:	3624
Examiner	:	Karmis, Stefanos

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

SIR:

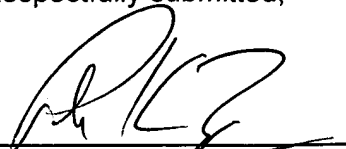
Transmitted herewith for filing in the above-identified patent application is the following:

1. Response; and
2. A copy of the Amendment and Response previously filed on 20 May 2005.

APPLICANT CLAIMS SMALL ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Trzyna', written over a horizontal line.

Peter K. Trzyna
(Reg. No. 32,601)

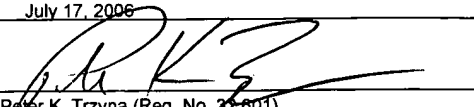
Date: July 17, 2006

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Date: July 17, 2006

Signed: 
Peter K. Trzyna (Reg. No. 32,801)

PATENT

Paper No.

File: Carr-P1-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Philip Carragher and Steven Earl Webster
Serial No.	:	09/604,696
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Honorable Commissioner of Patents
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RESPONSE

S I R :

In response to the Office Action mailed 20 April 2006 in the above-referenced patent application, please reconsider the application.

In the Office Action, Applicant concurs with the status of the claims and appreciates withdrawal of the restriction requirement.

In paragraph 5, claims 1, 2, 4, 5, 9, 10, 12, 13, 17, 19, 24, 28, 29, 32, 33, 35, 36, 40, 41, 43, and 47-49 have been rejected pursuant to 35 USC Sec. 102. The Examiner contends that these claims are anticipated for reasons stated in the Office Action.

In response, the rejection is respectfully traversed at least because all claim requirements have not been shown in the cited art. Claim 1 and its dependents, claim 32 and

its dependents, and claim 49, each require determining a reward by calculating a function responsive to the card activity which is not disclosed in Hillman. With this antecedent basis for reward, other limitations cannot be shown in Hillman either.

Claim 28 and its dependents each require programming... to determine a reward by calculating a function responsive to the card activity which is not disclosed in Hillman. With this antecedent basis for reward, other limitations cannot be shown in Hillman either.

Claim 47 requires means for determining a reward by calculating a function responsive to the card activity which is not disclosed in Hillman. With this antecedent basis for reward, other limitations cannot be shown in Hillman either.

Claim 48 requires means for crediting a reward, determined by calculating a function responsive to the card activity which is not disclosed in Hillman. With this antecedent basis for reward, other limitations cannot be shown in Hillman either.

Accordingly, statutory anticipation has not been shown based on Hillman.

Claims 3, 6, 25-27, 30, 34, and 37 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Hillman in view of Pettit for reasons stated in the Office Action.

In response, the rejection is respectfully traversed. Claims 3 and 6 each require determining a reward by calculating a function responsive to the card activity which is not disclosed in Hillman or Pettit. With this antecedent basis for reward, other limitations cannot be shown in Hillman or Pettit either. Therefore, no combination of these teachings can render these claims prima facie obvious.

Claims 25-27 require said amount determined by crediting a reward responsive to card activity which is not disclosed in Hillman or Pettit. With this antecedent basis for reward, other limitations cannot be shown in Hillman or Pettit either. Therefore, no combination of these teachings can render these claims prima facie obvious.

Claim 30 requires the computer programmed to... determine a reward by calculating a function responsive to the card activity which is not disclosed in Hillman or Pettit. With this antecedent basis for reward, other limitations cannot be shown in Hillman or Pettit either. Therefore, no combination of these teachings can render these claims prima facie obvious.

Claims 34 and 37 each requires the digital computer controlled by a program to carry out the steps of... determining a reward by calculating a function responsive to the card activity which is not disclosed in Hillman or Pettit. With this antecedent basis for reward, other limitations cannot be shown in Hillman or Pettit either. Therefore, no combination of these teachings can render these claims prima facie obvious.

Claims 7, 8, 11, 14, 15, 18, 38, 39, 42, 45, and 46 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Hillman in view of Atkins for reasons stated in the Office Action.

In response, the rejection is respectfully traversed. Claims 7, 8, 11, 14, 15, and 18 each require determining a reward by calculating a function responsive to the card activity which is not disclosed in Hillman or Atkins. With this antecedent basis for reward, other limitations cannot be shown in Hillman or Atkins either. Therefore, no combination of these teachings can render these claims prima facie obvious.

Claims 38, 39, 42, 45, and 46 each require the digital computer controlled by a program to carry out the steps of... determining a reward by calculating a function responsive to the card activity, which is not disclosed in Hillman or Atkins. With this antecedent basis for reward, other limitations cannot be shown in Hillman or Atkins either. Therefore, no combination of these teachings can render these claims prima facie obvious.

Claims 16 and 23 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Hillman in view of Ogilvie for reasons stated in the Office Action.

In response, the rejection is respectfully traversed. Claims 16 and 23 each require determining a reward by calculating a function responsive to the card activity which is not disclosed in Hillman or Ogilvie. With this antecedent basis for reward, other limitations cannot be shown in Hillman or Ogilvie either. Therefore, no combination of these teachings can render these claims prima facie obvious.

Claims 20-23 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Hillman.

In response, the rejection is respectfully traversed. Claims 20-23 each require determining a reward by calculating a function responsive to the card activity which is not disclosed in Hillman. With this antecedent basis for reward, other limitations cannot be shown in Hillman. Therefore, the teaching cannot render these claims prima facie obvious.

Claim 31 has been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Hillman in view of Sullivan for reasons stated in the Office Action.

In response, the rejection is respectfully traversed. Claim 31 requires calculating a function responsive to the card activity which is not disclosed in Hillman or Sullivan. With this antecedent basis for reward, other limitations cannot be shown in Hillman or Sullivan either. Therefore, no combination of these teachings can render these claims prima facie obvious.

In sum, the cited evidence of Hillman does not disclose all claim elements, and therefore there can be no anticipation of the claims rejected pursuant to Sec. 102. The Sec. 103 rejection builds on the absence of claim requirement disclosure in Hillman, such that a prima facie case of obviousness has not been shown based on the cited evidence. Thus, the Sec. 103 rejections are respectfully traversed because:

- (1) all claim requirements have not been shown in the cited art;
- (2) the contended combination of teachings to reach the claimed invention would render the cited art inoperable for their respective purposes;